

U.S. Department of Housing and Urban Development  
Office of the Assistant Secretary for Housing  
Federal Housing Commissioner ~1997

SECTION 811  
SUPPORTIVE HOUSING  
FOR  
PERSONS WITH DISABILITIES  
APPLICATION PACKAGE

## **SECTION 811 APPLICATION PACKAGE**

**INTRODUCTION:** This constitutes the Application Package for applying for funding under the Section 811 Supportive Housing for Persons with Disabilities Capital Advance Program. **Contact MUST be made to the local HUD Office for additional information and submission requirements.**

An original and four (4) copies of the Application must be submitted in response to a Federal Register Notice of Fund Availability (NOFA). The original and four copies of the completed Application must be submitted to the local HUD Office, either by hand, delivery service or certified mail, by the deadline date and time set forth in the NOFA. APPLICATIONS RECEIVED AFTER THAT DATE AND TIME WILL NOT BE ACCEPTED, EVEN IF POSTMARKED BY THE DEADLINE DATE. Applications by facsimile will not be accepted.

Before preparing your Application, you should carefully review the requirements of the Regulations (24 CFR Part 891), general program instructions set forth in Handbook 4571.2, Section 811 Capital Advance Program for Supportive Housing for Persons with Disabilities, and the current year's Housing Funding Allocation Notice. Note: Section 1001 of Title 18 of the United States Code (Criminal Code and Criminal Procedure, 72 Stat. 967 shall apply to all information supplied in the application submission). (18 U.S.C. 1001, among other things, provides that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.)

**CONTENTS OF APPLICATION PACKAGE:** The Application for a Section 811 Capital Advance consists of four parts with a total of twelve (12) Exhibits. Included with the twelve Exhibits are six prescribed forms and fifteen certifications. Twelve of the fifteen certifications have been combined into a single document. The components of the application submission package are:

Part 1 - Application for Section 811 Supportive  
Housing - Capital Advance  
(Exhibit 1)

Part 2 - Sponsor's Ability to Develop and Operate the  
Proposed Project  
(Exhibits 2 and 3)

Part 3 - The Need for Supportive Housing for Persons with Disabilities in the Area to be Served, Suitability of the Site, the Design of the Project, and Supportive Services Plan  
(Exhibit 4)

Part 4 - General Application Requirements and Certifications  
(Exhibits 5 through 12)

NOTE: PARTS 2 and 3 INCLUDE EXHIBITS RELATED TO THE RATING CRITERIA.

All of the required application exhibits are specifically identified in the NOFA.

GENERAL INSTRUCTIONS FOR PREPARING APPLICATION: The application must be submitted using the attached application package format. **THE APPLICATION MUST BE INDEXED AND TABBED ACCORDINGLY.** The package includes the following:

1. The Table of Contents which identifies the order in which the application is to be assembled. It also serves as the application checklist by identifying the submission page for the exhibit.
2. The Application Contents identified by the Part of the application and the relevant exhibits. As noted above, the relevant rating criteria are also identified in Parts 2 and 3. All forms and certifications required for the application submission are included in the Section pertaining to the specific exhibits. **(NOTE: Information relating to the Phase I Environmental Site Assessment Exhibit 4(e)(1)(vi) and whether the proposed site (if under control) is located in a Federally designated Empowerment Zone, Urban Supplemental Empowerment Zone, Enterprise Community or an Urban Enhanced Enterprise Community must be obtained from the local HUD Office.)**

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EXHIBIT 1: Form HUD-92016-CA, Application for Section 811 Supportive Housing Capital Advance	_____
<b>PART II - SPONSOR'S ABILITY TO DEVELOP AND OPERATE THE PROPOSED PROJECT</b>	
EXHIBIT 2: Legal Status of each Nonprofit Sponsor:	
(a) Articles of Incorporation, constitution or other organizational documents	_____
(b) By-laws	_____
(c) IRS Section 501(c)(3) Tax Exemption Ruling	_____
[EXCEPTION: SPONSORS WHO HAVE RECEIVED A SECTION 811 FUND RESERVATION WITHIN THE LAST THREE FUNDING CYCLES ARE NOT REQUIRED TO SUBMIT THE DOCUMENTS DESCRIBED IN (a), (b), and (c), ABOVE. INSTEAD, SPONSORS MUST SUBMIT THE PROJECT NUMBER OF THE LATEST APPLICATION SUBMITTED AND THE HUD OFFICE TO WHICH IT WAS SUBMITTED. IF THERE HAVE BEEN ANY MODIFICATIONS OR ADDITIONS TO THE SUBJECT DOCUMENTS, INDICATE SUCH, AND SUBMIT THE NEW MATERIAL.]	
(d) Conflict of Interest Resolution	_____

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- (e) The number of people on the Sponsor's board and the number of those who have disabilities (including those with disabilities similar to prospective residents. **(Optional - 5 Bonus points)** \_\_\_\_\_

EXHIBIT 3: Sponsor's purpose, community ties and experience:

- (a) Describe purpose, current activities, and how long organization has been in existence
- (b) \_\_\_\_\_ Describe ties to the community at large and to the minority and disabled community \_\_\_\_\_
- (c) Describe local government support (including financial support and services)  
\_\_\_\_\_
- (d) Letters of support for the Sponsor and for the proposed project  
\_\_\_\_\_
- (e) Describe housing and/or supportive services experience including any rental housing projects (including integrated housing developments) and/or supportive services facilities sponsored, owned and operated by the Sponsor; past or current involvement in any programs other than housing that demonstrates the Sponsor's management capabilities (including financial management) and experience; experience in serving persons with disabilities and minorities; and the reasons for receiving any increases in fund reservation for developing and/or operating any previously funded projects \_\_\_\_\_
- (f) Describe participation in joint ventures and experience in contracting with minority, women-owned and small businesses over the past three years. Include a description of the joint venture, partners involved and Sponsor's

involvement and a summary of the  
total contract amounts awarded  
in each of the three categories  
for

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the preceding three years and the  
percentage that amount represents  
of all contracts awarded by the  
Sponsor in the relevant time period

\_\_\_\_\_  
(g) A certified Board Resolution of  
Sponsor's support for and commitment  
to project \_\_\_\_\_

(h) Description and certification, if  
applicable, of the Sponsor's efforts to  
involve persons with disabilities  
(including minority persons with  
disabilities and persons with  
disabilities similar to those of  
the prospective residents) in the  
development of the application and  
in the development and operation of the  
project. **(Optional - 5 Bonus Points)** \_\_\_\_\_

**PART III - THE NEED FOR SUPPORTIVE HOUSING FOR PERSONS  
WITH DISABILITIES IN THE AREA TO BE SERVED,  
SUITABILITY OF THE SITE, AND THE DESIGN  
OF THE PROJECT**

EXHIBIT 4: (a) Evidence of need for supportive hsg. \_\_\_\_\_

(b) Description of the project  
including the following:

(1) Number and type of  
structure(s), number of  
bedrooms if group home,  
number of units with bedroom  
distribution if independent  
living units (including condos),  
number of residents with  
disabilities and resident  
staff per structure \_\_\_\_\_

(2) An identification of all  
community spaces, amenities  
or features planned for the  
housing \_\_\_\_\_

(3) Description of whether and how  
the project will promote energy

efficiency and, if applicable,  
innovative construction or  
rehabilitation methods or  
technologies to be used that  
will promote efficient  
construction

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(c) A supportive services plan that  
includes:

- (1) A detailed description of  
whether the housing is  
intended to serve persons  
with physical disabilities,  
developmental disabilities,  
or chronic mental illness

If requesting approval to  
limit occupancy, also submit  
the following:

- (i) description of population  
to which occupancy will  
be limited

- (ii) explanation of why it is  
necessary to limit  
occupancy, including the  
following:

- (A) explanation of how  
limiting occupancy  
to a subcategory of  
persons with  
disabilities  
promotes the goals  
of Section 811
- (B) explanation of why  
housing and service  
needs cannot be met  
in a more integrated  
setting

- (iii) description of Sponsor's  
experience in providing  
housing and/or supportive  
services to proposed  
population

- (iv) description of how

Sponsor will ensure  
occupants will be  
integrated into neigh-  
borhood and community

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- (2) A detailed description of the supportive service needs of the persons with disabilities the housing is expected to serve \_\_\_\_\_
- (3) A list of community service providers, including consumer controlled providers, including letters of intent to provide services to proposed residents from potential providers \_\_\_\_\_
- (4) A detailed description of comprehensive supportive services plan for residents who do not want to acquire own services. Include the following:
  - (i) name(s) of the agency(s) that will be responsible for providing the supportive services \_\_\_\_\_
  - (ii) evidence of each service provider's capability and experience in providing such supportive services \_\_\_\_\_
  - (iii) description of how, when and how often, and where (on/off-site) the services will be provided \_\_\_\_\_
  - (iv) Identification of the extent of State and local funds to assist in the the provision of supportive services \_\_\_\_\_
  - (v) Letters of intent from service providers or funding sources \_\_\_\_\_

- (vi) If any State or local government funds will be provided, a description of the State/local agency's philosophy/policy concerning housing for the population to be served \_\_\_\_\_
- (5) Description of residential staff, if needed \_\_\_\_\_
- (6) Assurances if the proposed residents choose to receive supportive services organized by the Sponsor they will be based on the residents' individual needs \_\_\_\_\_
- (7) Statement that it will not condition occupancy on the resident's acceptance of any supportive services \_\_\_\_\_
- (d) Supportive Services Certification. A certification from the appropriate State or local agency identified in the Application Package that the provision of supportive services is well designed to serve the needs of persons with disabilities, whether the necessary supportive services will be provided on a consistent, long-term basis, and whether the proposed housing is consistent with State or local plans and policies governing the development and operation of housing to serve individuals of the proposed occupancy category \_\_\_\_\_
- (e) Evidence of control of an approvable site (**Optional - 10 Bonus Points**), OR identification of a site for which the Sponsor provides reasonable assurances that it will obtain control within 6 months from date of fund reservation

(1) **Evidence of site control**

- (i) Evidence that the Sponsor has entered into a legally binding option agreement (which extends through the end of the current fiscal year and contains a renewal provision so that the option can be renewed for at least an additional six months) to purchase or lease the proposed site; or other evidence of legally binding site control \_\_\_\_\_
- (ii) Evidence that the project as proposed is permissible under applicable zoning ordinances or a statement of proposed action to make project permissible \_\_\_\_\_
- (iii) Narrative topographical and demographic description of suitability of site and area surrounding the site, characteristics of neighborhood, how the site will promote greater housing opportunities for minorities, thereby affirmatively furthering fair housing \_\_\_\_\_
- (iv) Statement of willingness to seek alternate site \_\_\_\_\_
- (v) Map showing the location of the site and the racial concentration delineated \_\_\_\_\_
- (vi) Phase I Environmental Site Assessment \_\_\_\_\_

- (vii) Letter from State  
Historic Preservation  
Office regarding any  
historic significance  
of site \_\_\_\_\_
- (viii) If an exception to the  
project size limits is  
requested, describe  
why the site was selected  
and demonstrate the  
following:
  - (A) People with  
disabilities similar  
to those of the  
prospective tenants  
have indicated their  
acceptance or  
preference to live  
in proposed housing \_\_\_\_\_
  - (B) The increased number  
of people is  
necessary for the  
economic feasibility  
of the project \_\_\_\_\_
  - (C) The project is  
compatible with other  
residential  
development and the  
population density  
of the area in  
which the project  
is to be located \_\_\_\_\_
  - (D) The increased number  
of people will not  
prohibit their  
successful  
integration into  
the community \_\_\_\_\_
  - (E) The project is  
marketable in  
the community \_\_\_\_\_

- population
- (F) The size of the project is consistent with State and/or local policies governing similar housing for the proposed
- \_\_\_\_\_
- (G) A statement regarding willingness to have the application processed at the the project size limit should HUD not approve the exception
- \_\_\_\_\_

(2) **Identification of site**

- (i) A description of the location of the site, including its street address and unit number
- \_\_\_\_\_
- (ii) A description of the activities undertaken to identify the site as well as what actions must be taken to obtain control of the site
- \_\_\_\_\_
- (iii) An indication as to whether the site is properly zoned
- \_\_\_\_\_
- (iv) A status of the sale of the site
- \_\_\_\_\_
- (v) An indication as to whether the site would involve relocation
- \_\_\_\_\_

**PART IV - GENERAL APPLICATION REQUIREMENTS/CERTIFICATIONS**

EXHIBIT 5: A list of applications submitted under the current Section 811 or Section 202 NOFAs and a list of all funded projects which have not been finally closed

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EXHIBIT 6: HUD-2880, Applicant/Recipient Disclosure/Update Report including Social Security Numbers and Employee Identification Numbers

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EXHIBIT 7: E.O. 12372

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EXHIBIT 8: **Projects with site control** - Submit Project Data on Occupancy, Displacement and Real Property Acquisition, (optional Form HUD-40087 attached) or provide a statement that:

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(a) identifies all persons (families, individuals, businesses and nonprofit organizations) by race/minority group, and status as owners or tenants occupying the property on the date of submission of the application for a capital advance

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(b) indicates the estimated cost of relocation payments and other services

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(c) identifies the staff organization that will carry out the relocation activities

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(d) identifies all persons that have moved from the site within the past 12 months

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EXHIBIT 9: Standard Form 424

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EXHIBIT 10:	Certification regarding lobbying and Standard Form LLL, Disclosure of Lobbying Activities, if applicable	_____
EXHIBIT 11:	Certification of Consistency with the Consolidated Plan (Plan)	_____
EXHIBIT 12:	Sponsor Certifications	_____

PART I

APPLICATION-SECTION 811 SUPPORTIVE  
HOUSING - CAPITAL ADVANCE



**EXHIBIT 1** - Form HUD-92016-CA, Application for Section 811  
Supportive Housing Capital Advance (Attached)



## PART II

SPONSOR'S ABILITY TO DEVELOP AND  
OPERATE THE PROPOSED PROJECT

## CRITERION - 1

1. In determining the Sponsor's ability to develop and operate the proposed housing on a long-term basis, consider:
  - (a) The scope, extent and quality of the Sponsor's experience in providing housing or related services to those proposed to be served by the project and the scope of the proposed project (i.e., number of units, services, relocation costs, development, and operation) in relationship to the Sponsor's demonstrated development and management capacity as well as its financial management capability.
  - (b) The scope, extent and quality of the Sponsor's experience in providing housing or related services to minority persons or families.
  - (c) The extent of local government support for the project.
  - (d) The extent of the Sponsor's activities in the community, including previous experience in serving the area where the project is to be located, and Sponsor's demonstrated ability to raise local funds.

## BONUS POINTS

- 3(a) Applications submitted by Sponsors whose boards are comprised of at least 51% persons with disabilities (including persons with disabilities who have similar disabilities to those of the prospective residents).  
**(5 bonus points)**
- (b) The Sponsor's involvement of persons with disabilities (including minority persons with disabilities and persons with disabilities similar to those of the prospective residents) in the development of the application, and its intent to involve them in the development and operation of the project. **(5 bonus points)**

**EXHIBIT 2 - Evidence of EACH Sponsor's legal status**

- (a) Articles of Incorporation, constitution, or other organizational documents;
- (b) By-laws;
- (c) IRS section 501(c)(3) tax exemption ruling (this must be submitted by all Sponsors, including churches).

[EXCEPTION: SPONSORS WHO HAVE RECEIVED A SECTION 811 FUND RESERVATION WITHIN THE LAST THREE FUNDING CYCLES ARE NOT REQUIRED TO SUBMIT THE DOCUMENTS DESCRIBED IN (a), (b), and (c), ABOVE. INSTEAD, SPONSORS MUST SUBMIT THE PROJECT NUMBER OF THE LATEST APPLICATION SUBMITTED AND THE HUD OFFICE TO WHICH IT WAS SUBMITTED. IF THERE HAVE BEEN ANY MODIFICATIONS OR ADDITIONS TO THE SUBJECT DOCUMENTS, INDICATE SUCH, AND SUBMIT THE NEW MATERIAL.]

- (d) Conflict of Interest Resolution (attached) duly certified by an officer, that no officer or director of the Sponsor or Owner has or will have any financial interest in any contract with the Owner or in any firm or corporation that has or will have a contract with the Owner and that includes a current listing of all duly qualified and sitting officers and directors by title, and the beginning and ending date of each person's term.
- (e) The number of people on the Sponsor's board and the number of those people who have disabilities (including persons who have disabilities similar to those of the prospective residents).

## EXHIBIT 2(d)

### SPONSOR'S CONFLICT OF INTEREST RESOLUTION

TO: The Secretary of Housing and Urban Development

SUBJECT: Section 811 Program - Application for Fund Reservation

Sponsor:

Project Location:

WHEREAS, Section 811 of the National Affordable Housing Act of 1990, as amended, authorizes the making of capital advances for housing for persons with disabilities to nonprofit corporations, no part of the net earnings of which inure to the benefit of any member, founder, contributor or individual;

WHEREAS, HUD has implemented this statutory requirement by promulgating a regulation providing that the Sponsor may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom. The regulation also prohibits any officer or director of the Sponsor from having any financial interest in any contract in connection with the rendition of services, the provision of goods or supplies, procurement of furnishings or equipment, construction of the project, procurement of the site or any other matters whatsoever, except with respect to management or supportive services contracts entered into by the Owner with the Sponsor or its nonprofit affiliate.

WHEREAS, HUD has determined that assurance of compliance with this prohibition can best be obtained by requiring that all officers and directors of the Sponsor certify that they do not have and will not have during their term of office, any prohibited financial interest.

WHEREAS, because of the time constraints imposed under the application process and difficulties in meeting these deadlines caused by such factors as large boards and unavailability of officers and directors of the board, some prospective Sponsors have been unable or experienced hardship in obtaining all of the required certifications for submission with the applications for fund reservation.

WHEREAS, HUD is willing to defer submission of the required Sponsors' Conflict of Interest and Disclosure Certifications until the submission of the conditional commitment applications by those Owners for which fund reservations were approved, if

such certifications are provided by all the Sponsor's officers and directors listed below, who are duly qualified and sitting in these capacities from the date of the Sponsor's fund reservation application.

[LIST THE NAME, TITLE, AND THE BEGINNING AND ENDING DATES OF THE TERM OF ALL OFFICERS AND DIRECTORS]

NOW, THEREFORE, in order to induce HUD to forego requiring submission of the Conflict of Interest and Disclosure Certifications until after projects have been selected and fund reservations granted, it is hereby resolved and agreed by the Board of Directors of the Sponsor:

1. That it will submit an updated Incumbency Certificate, in a form prescribed by HUD, showing all changes in incumbency for submission with the Owner's Application for Conditional Commitment, initial closing and final closing.

2. That no officer or director of the Sponsor has or will be permitted to have any prohibited interest which would prevent him or her from signing the required Conflict of Interest and Disclosure Certification.

3. That the fund reservation will be subject to cancellation by HUD if the officers or directors of either the Sponsor or the Owner fail to submit Conflict of Interest and Disclosure Certifications duly executed by each and all of their respective officers and directors.

4. That no HUD capital advance funds or project rental assistance funds will be expended on account of any contract or arrangement where a conflict of interest is determined to exist, and the Sponsor shall be responsible for the payment of any and all obligations involving its officers and directors.

5. That should any contract or arrangement entered into by the Owner be determined by HUD to involve a conflict of interest, involving either the Sponsor's or Owner's officers or directors, the Sponsor will exercise its best efforts to cause the Owner to promptly cancel or terminate such contract or arrangement at HUD's request.

Adopted and approved by \_\_\_\_\_ of the  
Sponsor on the \_\_\_\_\_ date of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Authorized Signature

**EXHIBIT 3 -** Sponsor's purpose, community ties and experience, including the following:

- (a) Description of Sponsor's purpose, current activities and how long it has been in existence.
- (b) Description of Sponsor's ties to the community at large and to the minority and disabled community in particular.
- (c) Description of local government support (including financial support and services).
- (d) Letters of support for the Sponsor and for the proposed project from organizations familiar with the housing and supportive services needs of the persons with disabilities that the Sponsor expects to serve in the proposed project.
- (e) Description of Sponsor's housing and/or supportive services experience. The description should include any rental housing projects (including integrated housing developments) and/or supportive services facilities sponsored, owned and operated by the Sponsor, the Sponsor's past or current involvement in any programs other than housing that demonstrates the Sponsor's management capabilities (including financial management) and experience, and the Sponsor's experience in serving persons with disabilities and minorities; and the reasons for receiving any increases in fund reservations for developing and/or operating any previously funded projects.
- (f) Description of Sponsor's participation in joint ventures and experience in contracting with minority, women-owned and small businesses over the past three years, including a description of the joint venture, partners and Sponsor's involvement and a summary of the total contract amounts awarded in each of the three categories for the preceding three years, and the percentage that amount represents of all contracts awarded by the Sponsor in the relevant time period.



**(EXHIBIT 3 Cont'd)**

- (g) A certified Board Resolution (attached) acknowledging responsibilities of sponsorship, long-term support of the project(s), willingness of Sponsor to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of its membership. It also acknowledges the Sponsor's willingness to fund the estimated start-up expenses, the Minimum Capital Investment (one-half of one-percent of the HUD-approved capital advance, not to exceed \$10,000) and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.
- (h) Description and certification (attached), if applicable, of the Sponsor's efforts to involve persons with disabilities (including minority persons with disabilities and persons with similar disabilities to those of the prospective residents) in the development of the application, as well as its intent to involve them in the development and operation of the project. **(Optional - 5 Bonus Points)**

EXHIBIT 3(e)

SPONSOR'S RESOLUTION FOR COMMITMENT TO PROJECT

TO: Secretary of Housing and Urban Development

SUBJECT: Section 811 Program - Application for Fund Reservation

Sponsor:

Project Location:

WHEREAS, under the Section 811 Program of Supportive Housing for Persons with Disabilities, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed \$10,000 and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

WHEREAS, HUD has determined that assurance by the Sponsor of its commitment and willingness to provide those funds can best be assured by requiring a resolution of the Board of Directors that funds will be made available for such purposes.

NOW, THEREFORE, the Board of Directors of the Sponsor hereby resolves and agrees that funds will be available for the subject project to meet estimated start-up expenses, the minimum capital investment and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

Adopted and approved by \_\_\_\_\_ of the  
Sponsor on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Authorized Signature

## EXHIBIT 3(h)

### Certification of Intent to Involve Persons with Disabilities in Development and Operation of Project

The Sponsor certifies that it will involve persons with disabilities (including minority persons with disabilities and persons with disabilities similar to those of the prospective residents) in the development and operation of the subject project.

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Signature of Authorized  
Certifying Official

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Title

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Applicant  
OrganizationDate

## PART III

NEED FOR SUPPORTIVE HOUSING IN AREA TO BE  
SERVED, SUITABILITY OF SITE, AND  
DESIGN OF THE PROJECT

## CRITERION - 2

2. In determining the need for supportive housing for persons with disabilities in the area to be served, the suitability of the site, and the design of the project, consider:
  - (a) The extent of the need for the project in the area based on a determination by the HUD Office. This determination will be made by considering the Sponsor's evidence of need in the area, as well as other economic, demographic and housing market data available to the HUD Office.
  - (b) The proximity or accessibility of the site to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment, and other necessary services to the intended occupants, adequacy of utilities and streets, and freedom of the site from adverse environmental conditions (site control projects only); and compliance with site and neighborhood standards.
  - (c) Suitability of the site from the standpoints of promoting a greater choice of housing opportunities for minority persons with disabilities and affirmatively furthering fair housing.
  - (d) The extent to which the proposed design will meet any special needs of persons with disabilities the housing is expected to serve.

## BONUS POINTS

- 3(c) The application contains acceptable evidence of control of an approvable site. **(10 bonus points)**

**EXHIBIT 4 - Project Information**

- (a) Evidence of need for supportive housing. An identification of the proposed population and evidence demonstrating sustained effective demand for the supportive housing for the proposed population in the market area to be served.
- (b) Description of the project, including the following:
  - (1) Number and type of structure(s), number of bedrooms if group home, number of units with bedroom distribution if independent living units (including condos), number of residents with disabilities and resident staff per structure.
  - (2) An identification of all community spaces, amenities or features planned for the housing. A description of how the spaces, amenities or features will be used and of the extent to which they are necessary to accommodate any special needs of the proposed residents. If these community spaces, amenities, or features would not comply with the project design and cost standards of § 891.120 and the special project standards of § 891.310, the Sponsor must demonstrate its ability and willingness to contribute both the incremental development cost and continuing operating cost associated with the community spaces, amenities, or features.
  - (3) Describe if and how the project will promote energy efficiency and if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

**(EXHIBIT 4 Cont'd)**

NOTE: The following supportive services plan 4(c) completed by the Sponsor and the supportive services certification 4(d) must be sent to the appropriate State or local agency (identified by the HUD Office) far enough in advance of the application deadline date so that the agency can review the plan, complete the certification and return both to the Sponsor for inclusion in the application to HUD.

(c) A supportive services plan which includes the following:

- (1) A detailed description of whether the housing is expected to serve persons with physical disabilities, developmental disabilities, or chronic mental illness. Include how and from whom/where persons will be referred and admitted for occupancy in the project. The Sponsor may, with the approval of the Secretary, limit occupancy within housing developed under this NOFA to persons with disabilities who have similar disabilities and require a similar set of supportive services in a supportive housing environment. However, the Owner must permit occupancy by any qualified person with a disability who could benefit from the housing and/or services provided, regardless of the person's disability.

If requesting approval to limit occupancy to a subcategory of one of the three main disability categories, also submit the following:

- (i) A description of population of persons with disabilities to which occupancy will be limited.
- (ii) An explanation of why it is necessary to limit occupancy, of the proposed project(s) to the population described in

(i)                   above, including the  
following:



(EXHIBIT 4 Cont'd)

- (A) An explanation of how limiting occupancy to a subcategory of persons with disabilities promotes the goals of the Section 811 program.
  - (B) An explanation of why the housing and/or service needs of this population cannot be met in a more integrated setting.
- (iii) A description of Sponsor's experience in providing housing and/or supportive services to proposed occupants.
- (iv) A description of how the Sponsor will ensure occupants of proposed project will be integrated into neighborhood and community.
- (2) A detailed description of the supportive service needs of the persons with disabilities that the housing is expected to serve.
- (3) A list of community service providers, including consumer controlled providers, including letters of intent to provide services to proposed residents from as many potential providers as possible.
- (4) A detailed description of a comprehensive supportive services plan organized by the Sponsor for residents who do not wish to take responsibility for acquiring their own services. The following must be included:
  - (i) The name(s) of the agency(s) that will be responsible for providing the supportive services
  - (ii) The evidence of each service provider's (even if service provider will be the Sponsor) capability and experience in providing such supportive services

**(EXHIBIT 4 Cont'd)**

- (iii) A description of how, when, how often, and where (on/off-site) the services will be provided
  - (iv) Identification of the extent of State and local funds to assist in the provision of supportive services
  - (v) Letters of intent from service providers (including those that are consumer-controlled) or funding sources, indicating commitments to fund or to provide the supportive services, or that a particular service will be available to proposed residents. If the Sponsor will be providing any of the supportive services, a letter indicating its commitment to either provide the supportive services or ensure their provision for the life of the project.
  - (vi) If any State or local government funds will be provided, a description of the State/local agency's philosophy/policy concerning housing for the population to be served, and a demonstration by the Sponsor that the application is consistent with State or local plans and policies governing the development and operation of housing for the same disabled population.
- (5) A description of residential staff, if needed
  - (6) Assurances that the proposed supportive services organized by the Sponsor will be based on the residents' individual needs.
  - (7) Statement that it will not condition occupancy on the resident's acceptance of any supportive services
- (d) Supportive Services Certification. A

certification from the appropriate State or local agency identified in the Application Package indicating whether the provision of supportive services is well designed to serve

**(EXHIBIT 4 Cont'd)**

the needs of persons with disabilities, whether the necessary supportive services will be provided on a consistent, long-term basis and whether the proposed housing is consistent with State or local plans/policies governing the development and operation of housing to serve individuals of the proposed occupancy category. (The name, address and telephone number of the appropriate agency can be obtained from the appropriate HUD Office.)

(e) Evidence of control of an approvable site, **OR** identification of a site for which the Sponsor provides reasonable assurances that it will obtain control within 6 months from the date of fund reservation (if Sponsor is approved for funding);

(1) If the Sponsor has control of the site, it must submit the following:

(i) Evidence that the Sponsor has entered into a legally binding option agreement (which extends through the end of the fiscal year and contains a renewal provision so that the option can be renewed for at least an additional six months) to purchase or lease the proposed site; or has a copy of the contract of sale for the site, a deed, long-term leasehold, a request with all supporting documentation, submitted either prior to or with the Application for Capital Advance, for a partial release of a site covered by a mortgage under a HUD program or other evidence of legal ownership of the site (including properties to be acquired from the FDIC/RTC).

(ii) Evidence that the project as proposed is permissible under applicable zoning ordinances or regulations, or a statement of the

proposed action required to make  
the project permissible and the  
basis for the belief that the  
proposed action will be completed  
successfully before submission of

**(EXHIBIT 4 Cont'd)**

the commitment application.

- (iii) Narrative topographical and demographic description of the suitability of the site and area, as well as a description of the area surrounding the site, characteristics of neighborhood, how the site will promote greater housing opportunities for minority persons with disabilities thereby affirmatively furthering fair housing.
- (iv) A statement that the Sponsor is willing to seek a different site if the preferred site is unapprovable and site control will be obtained within six months of notification of fund reservation;
- (v) A map showing the location of the site and the racial composition of the neighborhood, with the area of racial concentration delineated;
- (vi) A Phase I Environmental Site Assessment, in accordance with the American Society for Testing (ASTM) Standards E 1527-93, as amended.  
Since the Phase I study must be completed and submitted with the application, it is important that the Sponsor start the site assessment as soon after publication of the NOFA as possible. If further study is indicated after the Phase I Assessment then a Phase II Assessment must also be completed.  
However, it does not have to be submitted with the application but must be submitted by the date specified in the NOFA.

- (vii) A letter from the State Historic Preservation Officer indicating whether the proposed site(s) has any historical significance.
- (viii) If an exception to the project size limits is being requested, describe why the site was selected and

**(EXHIBIT 4 Cont'd)**

demonstrate the following:

- (A) People with disabilities similar to those of the prospective tenants have indicated their acceptance or preference to live in housing with as many units/people as proposed for the project.
- (B) The increased number of people is necessary for the economic feasibility of the project.
- (C) The project is compatible with other residential development and the population density of the area in which the project is to be located.
- (D) The increased number of people will not prohibit their successful integration into the community.
- (E) The project is marketable in the community.
- (F) The size of the project is consistent with State and/or local policies governing similar housing for the proposed population.
- (G) A statement that the Sponsor is willing to have its application processed at the project size limit should HUD not approve the exception.

(2) If the Sponsor has identified a site, but does not have it under control, it must submit the following information:

- (i) A description of the location of the site, including its street address, its unit number (if condominium), neighborhood/community characteristics (to include racial and ethnic data), amenities, adjacent housing and/or facilities, how the site will promote greater housing opportunities for minority persons

**(EXHIBIT 4 Cont'd)**

with disabilities and affirmatively further fair housing.

- (ii) A description of the activities undertaken to identify the site, as well as what actions must be taken to obtain control of the site, if approved for funding.
- (iii) An indication as to whether the site is properly zoned. If it is not, an indication of the actions necessary for proper zoning and whether these can be accomplished within six months of fund reservation award, if approved for funding.
- (iv) A status of the sale of the site.
- (v) An indication as to whether the site would involve relocation.

EXHIBIT 4(d)

CERTIFICATION FOR PROVISION OF SUPPORTIVE SERVICES

The undersigned certifies that this Agency has reviewed the Sponsor's supportive services plan and finds that:

1. the provision of supportive services is:

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Well Designed

ÜÄÄÄ;  
ÄÄÄÄÜ

Not Well Designed

to serve the special needs of persons with disabilities for which the housing is being developed.

2. the proposed housing is:

ÜÄÄÄ;  
ÄÄÄÄÜ

Consistent

ÜÄÄÄ;  
ÄÄÄÄÜ

Inconsistent

with State or local plans and policies governing the development and operation of housing to serve individuals of the proposed occupancy category.

3. the necessary supportive services will be provided on a consistent, long-term basis.

ÜÄÄÄ;  
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Yes

ÜÄÄÄ;  
ÄÄÄÄÜ

No

\_\_\_\_\_  
Sponsor

\_\_\_\_\_  
Project Location

Executed this \_\_\_\_\_ date of \_\_\_\_\_, 19\_\_\_\_

By: \_\_\_\_\_  
(Print Name of Authorized Official)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Agency Name)

## PART IV

### GENERAL APPLICATION REQUIREMENTS AND CERTIFICATIONS



**EXHIBIT 5 -** A list of the applications, if any, the Sponsor has submitted or is planning to submit to any other HUD Office in response to this NOFA or the NOFA for Supportive Housing for the Elderly. Indicate by HUD Office, the number of units requested, the proposed location by city and State for each application. A list of all FY 1996 and prior year projects to which the Sponsor(s) is a party, identified by project number and HUD Office, which have not been finally closed.

**EXHIBIT 6 -** HUD-2880, Applicant/Recipient Disclosure/Update  
Report including Social Security Numbers and  
Employee Identification Numbers. (Attached)

**EXHIBIT 7 -** E.O. 12372. A certification that the Sponsor has submitted a copy of its application, if required, to the State agency (single point of contact) for State review in accordance with Executive Order 12372. (Attached)

EXHIBIT 7

EXECUTIVE ORDER 12372

CERTIFICATION

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(Name of Sponsor)

certifies that:

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- (1) this application for a capital advance under the Section 811 program was submitted to the State of \_\_\_\_\_ on \_\_\_\_\_ for review, or

ÜÄ<sub>3 3</sub>  
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- (2) it contacted the State and a determination was made that the State review was not required.

Enclosed is a copy of the SF-424 which was sent with the application submitted to the State.

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(Signature of Authorized Official)

**EXHIBIT 8 - Applications with Site Control --** Project Data on Occupancy, Displacement and Real Property Acquisition (optional Form 40087 attached) or provide a statement that:

(a) identifies all persons (families, individuals, businesses and nonprofit organizations) by race/minority group, and status as owners or tenants occupying the property on the date of submission of the application for a capital advance (or date of initial site control, if later);

(b) indicates the estimated cost of relocation payments and other services,

(c) identifies the staff organization that will carry out the relocation activities, and

(d) identifies all persons that have moved from the site within the past 12 months.

**(Applications with Site Identified --** Will be required to submit this information at a later date once they have obtained site control.)

**[NOTE: IF ANY OF THE RELOCATION COSTS WILL BE FUNDED FROM SOURCES OTHER THAN THE SECTION 811 CAPITAL ADVANCE, THE SPONSOR MUST PROVIDE EVIDENCE OF A FIRM COMMITMENT OF THESE FUNDS. WHEN EVALUATING APPLICATIONS, HUD WILL CONSIDER THE TOTAL COST OF PROPOSALS (I.E., COST OF SITE ACQUISITION, RELOCATION, CONSTRUCTION AND OTHER PROJECT COSTS).]**

**EXHIBIT 9** - SF-424. A certification on SF-424, Application for Federal Assistance, that the Sponsor(s) is not delinquent on the repayment of any Federal debt.  
(Attached)

**EXHIBIT 10** - Certification Regarding Lobbying. The Sponsor must submit the certification (attached) required by 24 CFR Part 87. If the Sponsor has made or has agreed to make any payment using nonappropriated funds for lobbying activity, as described in 24 CFR part 87, the submission must also include SF-LLL, Disclosure of Lobbying Activities (attached).

## EXHIBIT 10

### LOBBYING CERTIFICATION

The Sponsor certifies, to the best of its knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Sponsor, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The Sponsor shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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Signature of Authorized  
Certifying Official

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Title

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Applicant Organization

Date

EXHIBIT 11

CERTIFICATION OF CONSISTENCY WITH  
THE CONSOLIDATED PLAN  
(PLAN)

The \_\_\_\_\_, certifies  
(State, City or County)

that the proposed activities are consistent with the Consolidated  
Plan for the jurisdiction in which the proposed project will be  
located.

\_\_\_\_\_  
(Signature of Public Official Responsible for Submitting the Plan)

\_\_\_\_\_  
(Date)

## EXHIBIT 12

### SPONSOR CERTIFICATIONS

The Sponsor, to the best of its knowledge and belief, hereby assures and certifies that it will comply with the following:

1. **CERTIFICATION IN CONNECTION WITH THE DEVELOPMENT AND OPERATION OF A SECTION 811 SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES PROJECT:**

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the implementing regulations at 24 CFR Part 8; the Fair Housing Act (42 U.S.C. 3600-3619) and the implementing regulations at 24 CFR Part 100, 108, 109, and 110; Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the implementing regulations at 24 CFR Part 1; section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR Part 135; the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and the implementing regulations at 24 CFR Part 146; Executive Order 11246 (as amended) and the implementing regulations at 41 CFR Chapter 60; the regulations implementing Executive Order 11063 (Equal Opportunity in Housing) at 24 CFR Part 107; the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) to the extent applicable; the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108; and other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity.

2. **DRUG-FREE WORKPLACE ACT**

Provide drug-free workplaces in accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 701) by:

a. publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the sponsor's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

- b. establishing an ongoing drug-free awareness program to inform employees about -
  - (1) the dangers of drug abuse in the workplace;
  - (2) the sponsor's policy of maintaining a drug-free workplace;
  - (3) any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- c. making it a requirement that each employee to be engaged in the performance of the capital advance be given a copy of the statement required by paragraph (a);
- d. notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the capital advance, the employee will -
  - (1) abide by the terms of the statement; and
  - (2) notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- e. notifying HUD in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.
- f. taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted -
  - (1) taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

- (2) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- g. making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f);
- h. providing the street address, city, county, state, and zip code for the site or sites where the performance of work in connection with the grant will take place.

### **3. DESIGN AND COST STANDARDS**

HUD's project design and cost standards and special project standards; the Uniform Federal Accessibility Standards and HUD's implementing regulations at 24 CFR part 40, Section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990.

### **4. ACQUISITION AND RELOCATION**

The acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), implemented by regulations at 49 CFR part 24, and 24 CFR § 891.155(e).

### **5. FORMATION OF OWNER CORPORATION**

It will form an Owner (as defined in §891.305) after the issuance of the capital advance, will cause the Owner to file a request for determination of eligibility and a request for capital advance and will provide sufficient resources to the Owner to insure the development and long-term operation of the project.

### **6. LEAD-BASED PAINT POISONING PREVENTION ACT**

The requirements of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846) and implementing regulations at 24 CFR part 35 (except as superseded in § 891.325).

7. **SUPPORTIVE SERVICES**

The Sponsor will not require residents to accept any supportive services as a condition of occupancy.

8. **DAVIS-BACON**

The Davis-Bacon Requirements and the Contract Work Hours and Safety Standards Act.

9. **FLOOD DISASTER PROTECTION ACT OF 1973**

The requirements under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128) and the Coastal Barrier Resources Act (16 U.S.C. 3601).

10. **NATIONAL ENVIRONMENTAL POLICY ACT**

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and applicable related environmental authorities at 24 CFR Part 50.4 and HUD's implementing regulations at 24 CFR Part 50.

11. **TRUTH AND ACCURACY**

It certifies that the information provided to HUD in its application under the Section 811 Supportive Housing for Persons with Disabilities is true and accurate, to the best of its knowledge.

\_\_\_\_\_  
Signature of Authorized  
Certifying Official

\_\_\_\_\_  
Title

\_\_\_\_\_  
Applicant Organization

\_\_\_\_\_  
Date

**WARNING**

HUD will prosecute false claims and statements. Convictions may result in criminal and/or civil penalties (18 U.S.C. 1001,1010,1012; 31 U.S.C. 3729/FS3802).